

REMARKS

Entry of the foregoing, and early and favorable consideration of the subject application are respectfully requested.

Status of Claims

By the present amendment, the first paragraph of the specification has been amended to place the priority applications for the present case in the correct order; as originally set forth in the preliminary amendment of 30 June 2003, the priority applications after the most recent were inadvertently listed in reverse order. Claims 127-132 and 135-140 have been canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 133 and 141 have been amended to conform to the embodiment shown in Figure 11f and described in detail at least at pages 31-33 of the specification. Claim 141 has been further amended to delete its dependency from claim 133, and to incorporate the subject matter of claim 133. No new matter has been added.

Priority

At pages 2-3 of the Official Action, the Examiner asserts that support for “the claimed subject matter regarding products comprising two probes that are substantially complementary to an entire breakpoint regions is not granted to any of the applications for which benefit is claimed under 35 U.S.C. 120 because the claimed subject matter is not described in the parent applications.” Applicants respectfully disagree. Moreover, by the present Amendment, the claims now recite probe sets that are substantially complementary to an entire deletion region.

As noted above, the priority statement in the present application has been amended by the present amendment to place the priority applications in the correct order; as originally set forth in the preliminary amendment of 30 June 2003, the

priority applications after the most recent were inadvertently listed in reverse order. Applicants respectfully submit that in view of the clear reverse order of the dates in the original amendment, the correction made herein constitutes correction of a mere typographical error and does not introduce any new matter or change in priority claim in the present application. Applicants further submit that this priority claim was acknowledged by the USPTO in the Official Filing Receipt mailed September 29, 2003, which lists the earliest application in the priority chain (07/392,094). The Examiner's attention is further directed to the Notice Declaring Interference in the present application, which indicates that the Board recognized the correct priority claim in the instant application.

With respect to the presently claimed subject matter, figure 11F, and the description thereof, are present in all of the priority applications dating at least to application Serial No. 07/537,305, filed June 6, 1990.

Information Disclosure Statement

Applicants acknowledge the indication by the Examiner, at page 5 of the Official Action, that many of the publications submitted with the 18 March 2010 IDS were not legible. Applicants will resubmit the IDS.

Oath/Declaration

Applicants acknowledge the indication by the Examiner, at page 5 of the Official Action, that the "Declaration filed 30 June 2003 does not identify the instant application or the preliminary amendment that contains subject matter not present in the application number identified on the declaration." Applicants note that the Declaration originally submitted with the instant application is the declaration that was first submitted in connection with application Serial No. 07/537,305, which includes the same specification as the present application. Accordingly, Applicants

respectfully submit that a substitute declaration is not required in the present application.

Drawings

Applicants acknowledge the objection to the drawings by the Examiner, at page 6 of the Official Action. Applicants agree to submit color copies of the drawings in the instant application, and the appropriate petition.

Claim Objections

Claims 130, 138, and 141 are objected to as being of improper dependent form. By the present amendment, claims 130 and 138 have been deleted without prejudice or disclaimer, thus rendering this objection moot as it applies to claims 130 and 138. Claim 141 has been amended to delete its dependency from claim 133, and to incorporate the limitations of claim 133, thus rendering this objection moot as it applies to claim 141.

Claim Rejections - 35 USC 112

Claims 127-143 stand rejected under 35 USC 112, first paragraph, as purportedly not supported by an adequate written description in the specification. Applicants respectfully disagree with the Examiner's arguments, set forth at pages 7-10 of the Official Action, regarding the support for the full scope of the claims in this application. As noted above, the instant claims derive support at least from pages 31-33 of the specification, and from Figure 11f as originally filed. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 127-143 stand rejected under 35 USC 112, second paragraph, as purportedly indefinite in the use of the phrase "an entire breakpoint region." The instant claims have been amended to delete the offending phrase, thus rendering this rejection moot.

Claim Rejections - 35 USC 103

Claims 127-143 stand rejected under 35 USC 103(a) as purportedly obvious over Dewald et al. (Blood Vol. 91, pages 3357-3365 (1998)). As discussed above, the instant application properly claims priority at least to application Serial No. 07/537,305, filed June 6, 1990. Accordingly, Dewald is not properly cited as prior art against the instant application. Withdrawal of this rejection is thus respectfully requested.

Double Patenting

Claims 127-143 are rejected as purportedly obvious over claims 1 and 3 of U.S. Patent 6,280,929. Applicants hereby express their willingness to file a terminal disclaimer in this case over U.S. Patent 6,280,929 upon indication that the claims are otherwise allowable.

Conclusion

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

In the event that there are any questions concerning this paper, or the application in general, the Examiner is respectfully urged to telephone Applicants' undersigned representative so that prosecution of the application may be expedited.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 50-4047 (Order No. 7045945002).

Respectfully submitted,

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